

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER ELLIOT,

Plaintiff,

v.

D. CHAVEZ, et al.,

Defendants.

No. 2:22-cv-01982-EFB (PC)

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 10, 2023, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 10. The court informed plaintiff that he could proceed with potentially cognizable Eighth Amendment excessive force and First Amendment retaliation claims against defendant Chavez. *Id.* The court also informed plaintiff that he could not proceed with any claims against defendant Campose because the complaint did not contain any allegations against defendant Campose. *Id.* The court granted plaintiff thirty days to file an amended complaint if he wished to pursue a claim against defendant Campose. The time for acting has passed and plaintiff has not filed an amended complaint. The court therefore recommends that defendant Campose be dismissed from this action for the reasons stated in the March 10, 2023 screening order.


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1 Accordingly, it is ORDERED that the Clerk of the Court randomly assign a United States  
2 District Judge to this action.

3 Further, it is RECOMMENDED that defendant Campose be dismissed from this action  
4 without prejudice.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, any party may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12  
13 Dated: April 17, 2023.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE